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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,787	06/28/2000	Bich Nguyen	2705-125	6324

20575 7590 05/19/2004  
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EXAMINER

HALIM, SAHERA

ART UNIT PAPER NUMBER

2157

10

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/606,787	<b>Applicant(s)</b> NGUYEN ET AL.	
	<b>Examiner</b> Zarni Maung	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

1. This action is responsive to the amendment filed on March 8, 2004. Claims 1-21 are presented for further examination.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Krueger et al., U.S. Patent Number 5,996,022 (hereinafter Krueger).

3. Krueger discloses a method and apparatus for transmitting stored data to computer network. Krueger discloses the invention as claimed. Taking claim 1 as an exemplary claim, Krueger discloses a server for transmitting stored data to a network (see local server; column 3, lines 2-65), comprising: a transmit buffer for transmitting the stored data to the network (see column 4, section B); a network bandwidth monitor for

monitoring a bandwidth of the network, and a transcoder for transcoding the stored data into reduced data content frames if the monitored bandwidth is less than a first preset value that increase a rate that the reduced data content frames are transmitted from the buffer over the network for the monitored bandwidth (see abstract, column 3, lines 1-44, column 6, lines 15-67).

4. As per claim 2, Krueger discloses the server of claim 1, wherein the transcoder increases the rate that the frames are transmitted above a receiver play out rate for a period of time after the monitored bandwidth of the network rises above the first preset value (see abstract, column 3, lines 1-44, column 5, line 11 to column 7, line 67).

5. As per claim 3, Krueger discloses the server of claim 1, further comprising: a redundancy encoder for redundancy encoding the transcoded data if the monitored bandwidth is less than a second preset value (see abstract, column 3, lines 1-44, column 5, line 11 to column 7, line 67).

6. As per claim 4, Krueger discloses the server of claim 3, wherein the monitoring means includes a control unit for activating the redundancy encoder when the monitored bandwidth is less than the second preset value (see abstract, column 3, lines 1-44, column 5, line 11 to column 7, line 67).

7. As per claim 5, Krueger discloses the server of claim 4, wherein the first preset value equals the second preset value (see abstract, column 3, lines 1-44, column 5, line 11 to column 7, line 67).

8. As per claims 6-21, they do not teach or further define over the limitations recited in the claims 1-5. Therefore, claims 6021 are rejected for the similar reasons set forth in claims 1-5, supra.


A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

#### Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (703) 305-8054. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Etienne, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

  
ZARNI MAUNG  
PRIMARY EXAMINER